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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,312	04/24/2001	Yoichiro Sako	6715/62369	6696
7590	12/08/2004		EXAMINER	EDUN, MOHAMMAD N
Jay H Maioli Cooper & Dunham 1185 Avenue of the Americas New York, NY 10036			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/830,312	SAKO ET AL.
	Examiner	Art Unit
	MUHAMMAD N EDUN	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 September 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-85 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 40-85 is/are allowed.  
 6) Claim(s) 1-4,14-19,29,32 and 35-39 is/are rejected.  
 7) Claim(s) 5-13,20-28,30,31,33 and 34 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1, 14-16, 29, 32 and 35-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Oh et al. (6,826,139).**

Oh et al. discloses the invention as claimed. Figs. 2 and 3 show the data recording medium having the digital data including work data (which is taken to be the audio or video information recording on the disk), and having recorded thereon in advance of the work data identification information which enables identification particular to the recording medium and discriminates information indicating the presence/absence of the indication information (taken to be the identification information recorded in a predetermined area provided for discriminating different types of disk such as CD or DVD, see Fig. 3, the abstract, column 3, lines 41-50 and column 4), as set forth in the claims. See the description of the apparatus and figures for further details relating to the limitations as set forth in the claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 2-4 and 17-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Oh et al. (6,826,139) in view of common knowledge in the art.**

As discussed above, Oh et al. discloses the invention substantially as claimed, however does not specifically indicate where or the disk the predetermined area

including the identification information is recorded. Also the reference does not specifically teach the predetermined area is located in either the lead-in or lead-out areas of the disk.

It is well known in the art that information other than user information (such as audio, video or data information) are recorded in various areas of the disk that would not interfere with the user information. For example the TOC information can be recorded in either the lead-in or lead-out areas of the disk. It is also well known in the art that the lead-in or lead-out areas of the disk can be used for information other than user information such as control information, test information, calibration information etc.. Such areas of the disk are suitable for recording information other than user information since it is outside the user area and therefore would not interfere with the user information. Further it provides easy accessibility of the information especially during startup.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Oh et al. in view of common knowledge in the art, such that the predetermined area is located in the lead-in or lead-out area of the disk, since such a modification would provide easy access to the identification information and increase the speed of discriminating the types of disk.

***Allowable Subject Matter***

**Claims 40-85 are allowed.**

**Claims 5-12, 20-28, 30, 31, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**The following is a statement of reasons for the indication of allowable subject matter.**

The prior art of record alone or in combination does not teach or suggest the medium of claims 1 and 15 having the further limitations as set forth in claims 5-12, 20-28, 30, 31, 33 and 34, and as disclosed in the specification.

Further the prior art does not teach the device, system and method having the combination of elements and steps with their recited structure, process and arrangement, along with the specific structure, process and arrangement of the: discriminating means; reading means; data-converting and conversion sections; information providing means; reproducing means; work data managing means; duplicating steps, providing information steps, terminal sections, server sections, transmitting identification information steps; permitting steps; transmitting the downloaded identification information steps; and transmitting data related to a key step, as set forth in claims 40-85, and as disclosed in the specification.

***Conclusion***

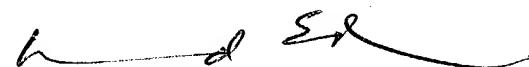
**The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

Oshima et al. (6,622,132) discloses an optical apparatus having an optical disk including identification information recorded on the disk

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD N EDUN whose telephone number is 703-308-1550. The examiner can normally be reached on FLEXITIME.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DORIS TO can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MUHAMMAD N EDUN**  
**Primary Examiner**  
**Art Unit 2655**